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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/582,083	06/08/2006	Albrecht Scheid	2006-0841A	1802
52349 7590 06/16/2008 WENDEROTH, LIND & PONACK L.L.P. 2033 K. STREET, NW SUITE 800 WASHINGTON, DC 20006			EXAMINER CHAKOUR, ISSAM	
			ART UNIT 4163	PAPER NUMBER
			MAIL DATE 06/16/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/582,083	Applicant(s) SCHEID, ALBRECHT	
	Examiner ISSAM CHAKOUR	Art Unit 4163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-36 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 19-36 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06/08/2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/12/2008, 06/08/2006</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 19-22, 24-31, and 33-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamaguchi et al (US 2004/0244037).

3. In claims 19 and 28, Yamaguchi teaches a receiving method based on a receiving apparatus for receiving a signal corresponding to a service selected among a plurality of services according to a plurality of input signals respectively including information related to a plurality of data respectively corresponding to the plurality of services, wherein the plurality of input signals are respectively transmitted on a first frequency channel on a time axis (See figure 6A, where A, B, C represent multiple input program data on a particular frequency channel) in form of bursts or packets of data (e.g. as a result of time slicing method--see figure 6A and paragraph [0119], lines 1-4), the method comprising: receiving an input signal corresponding to a selected service;

outputting or displaying (See paragraph [0092], line 10-11) the received input signal after demodulation; receiving an input signal corresponding to a service other than the selected one during a period of time in which no input signal corresponding to the selected service is received (see figure 6A, during the period where A is not received, B or C packets are received); demodulating (e.g. reproducing the input signal by means of demodulation according to modulation schemes—108; see paragraph [0095]) the received input signal corresponding to the service other than the selected one; extracting or restoring (110; See paragraph [0093], lines 1-4) zapping data related to the service other than the selected one based on a result of demodulation of the input signal corresponding to the service other than the selected one (See figure 6C,D), and storing the zapping data (109; See paragraph [0094], lines 1-3).

4. Regarding claims 20 and 29, Yamaguchi teaches the limitations as discussed above, and further when a selection of a service is changed, the stored zapping data corresponding to the changed service is output (see abstract). Although Yamaguchi does not explicitly teach the receiving method wherein the plurality of input signals are respectively transmitted on a first frequency channel, the frequency on which a signal or a plurality of signals are transmitted corresponds to the base-station channel or frequency of transmission of a cell. It is inherent that a receiver receives different frequencies correspondent to base-stations frequencies.

5. Regarding claims 21 and 30, Yamaguchi teaches the limitations as discussed above in claim 20 and 29 respectively, he further teaches when an input signal corresponding to the changed service is received during output of the stored zapping

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data corresponding to the changed service, the received input signal corresponding to the changed service is output after demodulation (See paragraph [0164], lines 16-25)).

It is noted that although Yamaguchi does not explicitly disclose demodulation of the input signal, it is inherent in the process of reconstructing the bit stream of the packet before extracting any zapping data from the input signal.

6. Regarding claims 22 and 31, Yamaguchi discloses the limitations as discussed above, further wherein receiving an input signal corresponding to a service other than the selected one is performed during a period of time in which no input signal corresponding to the selected service is received (as discussed above) and at a predetermined cycle, and the stored zapping data are updated (See paragraph [0164] lines 9-12).

7. Regarding claims 24, 27, 33, and 36, Yamaguchi discloses the limitations as discussed above, further wherein the data corresponding to the service includes video data (see paragraph [0002]), and the zapping data are still image (figure 2) data included in the video data or part of a program (e.g. service data-casting or video) (see paragraph [0015]). Yamaguchi further teaches that the zapping data includes text data (claim 2 and figure 2).

8. Regarding claims 25 and 34, Yamaguchi teaches the limitations as discussed above, further wherein the data corresponding to the service includes video data, and the zapping data are auxiliary information related to the video data (see paragraph [0015]).

9. Regarding claims 26 and 35, Yamaguchi teaches the limitations as discussed

above, further wherein the auxiliary information includes title information or service program information on the video data (claim 2 and figure 2).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 23 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaguchi et al (US 2004/0244037) in view of Hitomi et al (US 2002/0067776)

4. Yamaguchi teaches the limitation of these claims as discussed above.

Yamaguchi further teaches the steps (and corresponding unit structures) concerning receiving and demodulating the input signal, and extracting and storing the zapping data from the input signal as discussed above with respect to the first frequency channel.

Yamaguchi does not teach these steps/structures in conjunction with a second

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frequency channel which is switched to during a time period during which no input signal is received from the selected service. However, Hitomi teaches switching the from first frequency channel (base-station) to a second frequency channel during a period in which no input signal corresponding to the selected service is received (See abstract).

5. It would have been obvious to one of ordinary skill in the art to implement the switching from one frequency channel to another frequency channel in Yamaguchi's system since this will allow the user to enjoy the service without interruption as taught by Hitomi.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Pekonen (US 2003/0152107 A1) teaches digital media broadcasting method of transmission/reception of bursts of packet for reducing power consumption. Vermola et al (US 2005/0289591 A1) discloses systems and method for providing program information (e.g. video, music...) and data-casting by digital broadcasting.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ISSAM CHAKOUR whose telephone number is (571)270-5889. The examiner can normally be reached on Monday-Thursday (7:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Robinson can be reached on 5712722319. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

IC

/Mark A. Robinson/

Supervisory Patent Examiner, Art Unit 4163